

**CITY OF EUREKA  
CITY COUNCIL/  
REDEVELOPMENT AGENCY  
AGENDA**

Marian Brady 1<sup>st</sup> Ward  
Linda Atkins 2<sup>nd</sup> Ward  
Mike Newman 3<sup>rd</sup> Ward  
Melinda Ciarabellini 4<sup>th</sup> Ward  
Lance Madsen 5<sup>th</sup> Ward



Frank J. Jäger, Mayor

**REGULAR MEETING  
TUESDAY, APRIL 19, 2011  
CLOSED SESSION 5:00 P.M.  
REGULAR SESSION 6:00 P.M.  
COUNCIL CHAMBER  
531 K STREET  
EUREKA, CA 95501**

David Tyson, City Manager  
Pam Powell, City Clerk  
William Bragg, Interim City Attorney

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**CLOSED SESSION**

*If closed session items cannot be completed by 5:55 P.M., they will be continued at the conclusion of the regular agenda, provided there is time. If time does not allow then those closed session items will be continued to the next regular meeting.*

**A. PUBLIC COMMENT PERIOD**

(Limited to 3 minutes each speaker on closed session agenda items only)

**B. Conference with labor negotiators**

Agency designated representatives: Gary M. Bird for City of Eureka  
Employee organization: Eureka Firefighters' Local #652 (EFL) and Eureka Fire Officers Local (EFOL).  
*Pursuant to California Government Code Section 54957.6*

**C. Conference with real property negotiators - Property: City-owned property located at**

2186 Tydd Street, APN's: 002-191-0202 and 002-191-013  
Agency negotiator: David W. Tyson for the City of Eureka  
Negotiating parties: Humboldt Open Door Clinic  
Under negotiation: Price, terms and conditions.  
*Pursuant to California Government Code Section 54956.8*

**D. Conference with real property negotiators - Property: APN 001-054-45 and 001-054-13**

Agency negotiator: David W. Tyson for the City of Eureka  
Negotiating Parties: Eureka Waterfront Partners  
Under negotiation: price, terms, and conditions  
*Pursuant to California Government Code Section 54956.8*

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**REGULAR SESSION – 6:00 P.M.**

**ROLL CALL**

**INVOCATION**

## PLEDGE OF ALLEGIANCE

## REPORT OUT OF CLOSED SESSION

## MAYOR'S ANNOUNCEMENTS

# Cal Trans/Eureka Paving Project

Presentation of Proclamations:	Peace Officers' Memorial Day-May 2, 2011 Lemonade Day-June 4, 2011
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## COUNCIL REPORTS / CITY-RELATED TRAVEL REPORTS

## BOARD/COMMISSION REPORTS

## Keep Eureka Beautiful

## PUBLIC HEARINGS

*Public Hearings are scheduled for a time certain of 6:00 P.M. unless noticed otherwise, or as soon thereafter as possible.*

1. Public Hearing – Schneider Cargo Storage Area Coastal Development Permit  
Recommendation:
  1. Hold a public hearing.
  2. Adopt the Findings of Fact as described in Exhibit ‘A’; and
  3. Approve the Coastal Development Permit subject to the Conditions of Approval listed in Exhibit ‘B’.

(Community Development)
2. Public Hearing – Unmet Transit Needs  
Recommendation:
  1. Hold a public hearing regarding unmet transit needs within Eureka City limits; and
  2. Direct staff to forward a transcript of comments to the Humboldt County Association of Governments (HCAOG) for inclusion in the 2010-11 Unmet Needs Report of Findings.

(Finance Director)
3. Amendments to the Medical Cannabis Ordinance  
Recommendation:
  1. Hold a public hearing; and
  2. Waive reading, read by Title only, and introduce Bill No. 835-C.S., an Ordinance of the City of Eureka Amending Title 15, Chapter 158 Medical Cannabis; Cultivation, Processing and Distribution.

(Community Development)

## PUBLIC COMMENT PERIOD

*This is the time for members of the public who wish to be heard on matters that do not appear on the Agenda. Pursuant to City Council Resolution No. 2011-22, City Council policy is to limit each speaker to three (3) minutes. Such time allotment or portion thereof shall not be transferred to other speakers. The public will be allowed to speak concurrently with the calling of an agenda item following the staff presentation of that item.*

*Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on the Agenda.*

4. Is there any person in the audience who wishes to address the Council at this time?

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## CONSENT CALENDAR

**Notice to the Public:** *All matters listed under this category are considered to be routine by the City Council and will be enacted by one motion. Pursuant to City Council Resolution 2011-22, If a member of the public would like an item on the Consent Calendar pulled and discussed separately, that request shall be made to a Councilmember prior to the meeting. Unless a specific request is made by a Councilmember, the Consent Calendar will not be read and there will be no separate discussion of these items.*

5. Council meeting minutes.

Recommendation: Approve the regular Council/Redevelopment Agency Board meeting minutes of March 1, 2011 and March 15, 2011 and the special Council/Redevelopment Agency Board meeting minutes of March 9, 2011 as submitted.  
(City Clerk)

6. Squires, Floyd

Recommendation: Reject the claim for damages.  
(City Attorney)

7. Wolf, Sydell

Recommendation: Reject the claim for damages.  
(City Attorney)

8. Authorization to Prepare and Submit Claims for Transit Funding

Recommendation: Authorize staff to prepare and submit a Transportation Development Act (TDA) claim in the amount of \$810,819.  
(Finance Director)

9. Transportation Development Act (TDA) Fiscal and Compliance Audit and Management Letter, Fiscal year 2009-10  
Recommendation: Receive and file the Humboldt County Association of Governments (HCAOG) Transportation Development Act (TDA) fiscal and compliance audit and the Humboldt County Association of Governments (HCAOG) Management Letter for the 2009-10 fiscal year.  
(Finance Director)
10. Request for Exception to the Hiring Freeze  
Recommendation: Approve an exception to the hiring freeze for a Senior Personnel Analyst position.  
(Personnel Director)
11. Request for Exception to the Hiring Freeze.  
Recommendation: Approve an exception to the hiring freeze for a Maintenance Worker I/II position.  
(Personnel Director)
12. Implement Service Alternative Approved in 2010/11 Budget  
Recommendation: 1. Reclassify the currently allocated Information Services Analyst II position to Senior Information Services Analyst, adopt the job specification for Senior Information Services Analyst per the 2006 Koff Class/Compensation Study and establish an M24 salary grade for the position consistent with the position's essential job functions; and  
2 Adopt updated Koff Study job specification for Information Services Manager and establish an M27 salary grade for the position consistent with the position's essential job functions.  
(Personnel Director)
13. Centerline Striping 2011 Bid No. 2011-16  
Recommendation: Appropriate \$15,000 from Gas Tax Funds for the Centerline Striping 2011 Project.  
(Engineering)
14. City Engineer Employment Contract  
Recommendation: Authorize the City Manager to execute a City Engineering At-Will Employment Agreement with Kurt Gierlich including corresponding salary adjustment.  
(City Manager)

15. City Attorney Recruitment

Recommendation: Authorize the City Manager to execute an Executive Search Services Agreement between the City of Eureka and Peckham and McKinney to provide Executive Search Services for the position of City Attorney.  
(City Manager)

16. Agreement Amendment between the City of Eureka and Humboldt Community Services District for Regional Wastewater Treatment

Recommendation: Authorize the City Manager to execute an updated Agreement between the City of Eureka and Humboldt Community Services District for Regional Wastewater Treatment.  
(Assistant City Manager)

17. Martin Slough Interceptor PH-1 Final Easement Acquisitions

Recommendation: 1. Authorized staff to complete negotiations and execute agreements with the last two landowners (Barnum & Lundblade) of the remaining four properties for Phase 1 of the Martin Slough Interceptor project for the purchase of permanent and temporary construction easements; and  
2. Approve an expenditure of up to \$150,000 in Wastewater Funds for the acquisition of four permanent easements and four temporary construction easements (eight total) for the Martin Slough Interceptor Project Phase 1; and  
3. Authorize the City Manager to execute the acquisition documents for the eight remaining easements for the Martin Slough Interceptor Project Phase 1.  
(Engineering)

18. Martin Slough Interceptor Phase 1 Award of Construction, Bid No. 2011-01

Recommendation: 1. Declare Mercer-Fraser Company, the low bidder on Martin Slough Interceptor Phase 1 project; and  
2. Award Bid No. 2011-01 to Mercer-Fraser for the amount of \$4,359,065, and approve \$4,800,000 for construction, which includes a contingency of approximately 10%.  
(Engineering)

19. Eureka Redevelopment Agency – Series B Lease Revenue Bonds

Recommendation: Transfer remaining balance of Series B Lease Revenue Bonds from Project 381: C Street Market Square & Parking Lot Utilities to Project 438: Fishermen's Terminal Building.  
(Engineering)

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## **ORDINANCES/RESOLUTIONS**

20. Flood Plain Ordinance

Recommendation: Waive reading, read by Title only and Adopt Bill No. 825-C.S., an Ordinance of the City of Eureka Amending Title 15 Pertaining to Flood Hazard Area Regulations.  
(Community Development)

## **REPORTS/ACTION ITEMS**

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### **CITY MANAGER/EXECUTIVE DIRECTOR'S REPORTS**

Eureka Police Department Report

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### **ADJOURNMENT**

*If open session items cannot be completed by 9:30 P.M., the meeting may be adjourned to the next regular meeting or Council may vote to extend the meeting.*

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## NOTICES

- The City Council agenda and supporting documents are available for public review on the Friday afternoon prior to the Tuesday meeting at the City Clerk's Office, the Eureka Humboldt County Library and on-line at [www.ci.eureka.ca.gov](http://www.ci.eureka.ca.gov).
- The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon the request and consensus of the Mayor and Council.
- Any writing that is a public record not exempt from public disclosure and relating to an agenda item for open session of the City Council is available for public inspection at the Office of the City Clerk, 531 K Street, Room 207, Eureka, CA 95501.
- The meeting rooms are ADA accessible. Accommodations and access to City meetings for people with special needs must be requested of the City Clerk at 441-4175 72 hours in advance of the meeting. This agenda and other materials are available in alternate formats upon request.
- All persons in attendance at public meetings are requested to observe the following rules of civil debate:
  1. We may disagree, but we will be respectful of one another.
  2. All comments will be directed to the issue at hand.
  3. Personal attacks are unacceptable.

Applauding or other displays of approval/disapproval are discouraged.

- Regular City Council/Redevelopment Agency meetings are broadcast live by Humboldt Access on Cable Channel 10. Council meetings can also be viewed on line at [www.accesshumboldt.net](http://www.accesshumboldt.net) – Search archives “Eureka City Council Meetings”.
- To minimize distractions, please be sure all personal communication devices are turned off or on silent mode.

Questions? Please e-mail [ppowell@ci.eureka.ca.gov](mailto:ppowell@ci.eureka.ca.gov) or contact the City Clerk's office at (707) 441-4175.